

Application Serial No.: 10/722,261

Attorney Docket No.: 10253-00125-US
LP 4800 US CON**REMARKS**

Claims 1-10 are pending in the application. Claim 5 has been amended by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claim 5 was objected to due to informalities; claim 5 was rejected to under 35 U.S.C. Section 112, 1st paragraph; claims 1-8 were rejected under 35 U.S.C. Section 112, 2nd paragraph; claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of co-pending U.S. Patent No. 6,676,054; and claims 1-10 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,624,082 (Ligon).

Claim Objections

In response to the objection to claim 5, claim 5 has been amended to remove the word "comprises." Applicants respectfully submit that the amendment overcomes the outstanding objection and that the claims are now in condition for allowance.

Rejections under 35 U.S.C. Section 112

Claim 5 was rejected to under 35 U.S.C. Section 112, 1st paragraph. Applicants respectfully traverse the rejection.

The outstanding Office Action states: "[t]here is no disclosure in the specification of a grooved first fiber guide. *The driven take-off roll may be grooved* according to the specification." (emphasis added).¹ However, the specification discloses "[a]t least one of *the fiber guides may be a grooved roll* or the driven take-off roll may be a grooved roll" (emphasis added).² Thus, it is respectfully submitted that the specification explicitly discloses that the "first fiber guide" may be grooved. Therefore, it is respectfully requested that the outstanding rejection be withdrawn.

¹ Office Action mailed December 30, 2004, page 2, lines 15-16.

² Specification at page 4, lines 6-7.

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Claims 1-8 were rejected under 35 U.S.C. Section 112, 2nd paragraph. Applicants respectfully traverse the rejections.

The outstanding Office Action states: "the rotational axis of the fiber package lacks sufficient antecedent basis since a rotational axis is not inherent in a stationary yarn package."³ However, in contrast to this statement, claim 1 recites:

c) a fiber package held on the fiber package holder about *a rotational axis* such that at least one *fiber can unwind from said fiber package* (emphasis added).

Thus, it is respectfully submitted that the expression "the rotational axis" clearly has antecedent basis by virtue of the limitation "a rotational axis," previously recited in claim 1. In addition, it is respectfully submitted that the limitation "fiber can unwind from said fiber package," as recited in claim 1, explicitly indicates that: (1) the fiber package is being unwound; (2) the fiber package is *not* stationary; and (3) the fiber package inherently has a "rotational axis." Therefore, it is respectfully requested that the outstanding rejection be withdrawn.

Further, the outstanding Office Action states: "the term tack is not defined in the claims in such a way as to make the values of tack recite in the claims meaningful."⁴ First, it is respectfully submitted that the definition of the term "tack" is an extremely well know in the art of fibers/yarns and thus, requires no explicit definition in the claims. Further, it is respectfully submitted that there is *no requirement* for explicit definition of terms used in a claim to appear in the claim. In particular, the claims are to be read "in light of the specification" and the specification explicitly discusses tack and addresses the range of values of tack in numerous locations.⁵ Therefore, it is respectfully requested that the outstanding rejection be withdrawn.

³ See Office Action, page 3, lines 4-5.

⁴ See Office Action, page 3, lines 6-7.

⁵ See Specification, page 1, lines 27-36; page 3, lines 18-28; page 5, line 36 to page 6, line 2; and Table 2 – Table 4.

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Withdrawal of the rejection of Claims 1-10 under the judicially created doctrine of non-statutory double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,676,054 is respectfully requested.

Terminal Disclaimer

As noted in the outstanding Office Action, a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) may be used to overcome the above-discussed non-statutory double patenting rejection provided the conflicting application or patent is shown to be commonly owned with the present application. (See 37 C.F.R. 1.130(b)).

A terminal disclaimer is attached to the present statement establishing the common ownership and is discussed in the section below.

Statement of Common Ownership

As noted in the outstanding Office Action, the above-discussed rejection can be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an assignment to the same person. (See 35 U.S.C. 103(c) and MPEP 706.02(1)(1) and 706.02(1)(2)).

The present application (U.S. Application No. 10/722,261), filed as a Continuation of the then co-pending application (U.S. Application No. 10/100,811, now U.S. Patent No. 6,676,054), and U.S. Patent No. 6,676,054 were, at the time the invention of the present application was made, commonly owned by the same party, E. I. du Pont De Nemours and Company. This is evidenced by the assignment from the inventors: Daniel J. Heaney, John Graverson, Dennis Hicks and Kenneth Martin; which is recorded at Reel 012719 and Frame 0559 in U.S. Application No. 10/100,811; and the attached Statement under 37 C.F.R. 3.73(b) and Oath/Declaration under 37 C.F.R. 1.76 filed with U.S. Application No. 10/722,261. In addition, the inventors of the subject matter of the present application were all under an obligation to

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assign the present invention to the common owner at the time of the present invention by virtue of employment agreements. Therefore, in view of the terminal disclaimer and the common ownership, it is respectfully submitted that the rejection of Claims 1-10 over U.S. Patent No. 6,676,054 has been overcome.

Rejections under 35 U.S.C. Section 103

Claims 1-10 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ligon. Applicants respectfully traverse the rejection.

Ligon disclose an in-line yarn feed creel for feeding yarn to an associated textile machine.⁶ In particular, Ligon discloses a yarn creel A that includes a pair of creel units B that are carried by a unitary creel frame D.⁷ In addition, Ligon discloses the unitary creel frame D further includes a front frame section 19 and a rear frame section 20 that are joined together by an adjustable upper and lower frame element 22.⁸ Further, Ligon discloses the adjustable upper and lower frame element 22 allows the distance between the front frame section 19 and back frame section 20 to be adjusted to vary the tension in the yarn.⁹ That is, Ligon discloses a creel where only a distance is varied to adjust the tension in a yarn or fiber.

However, Ligon nowhere discloses, as claims 1 and 9 recite:

an angle (θ), defined by the intersection of imaginary lines corresponding, respectively, to the rotational axis of the package and the central axis of said first fiber guide, such that *said angle (θ) is equal to:*

- i. *0° to about 30° when said at least one fiber has tack greater than about 2 grams OETO and less than about 7.5 grams OETO; or*
- ii. *0° to about 10° when said at least one fiber has tack greater than about 7.5 grams OETO (emphasis added).*

⁶ Ligon at ABSTRACT.

⁷ See Ligon at FIG. 1, FIG. 4; and column 3, lines 64-65.

⁸ See Ligon at FIG. 1, FIG. 4; column 3, line 66, to column 4, line 3.

⁹ See Ligon at FIG. 1, FIG. 4; column 4, lines 3-15.

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That is, Ligon nowhere discloses the claimed limitations on either the range of angles (θ) or the range of tack values for the yarns/fibers, as recited in claims 1 and 9.

Further, it is respectfully submitted that Applicant does *not* claim the ranges stated in the outstanding Office Action of: "when the tack is 2 grams or less or 7.5 grams."¹⁰ In contrast to what is stated in the Office Action, the claims of Applicants invention are *explicitly directed to a creel that uses the recited ranges* for angles over the range of tack recited in claims 1 and 9. Thus, claiming these recited ranges patentably distinguishes the Applicants' invention over Ligon.

In addition, a word search of Ligon indicates that no reference is made to an "angle" analogous to the "angle," recited in claims 1 and 9. Further, Ligon nowhere discloses or defines: "an angle (θ), defined by the intersection of imaginary lines corresponding, respectively, to the rotational axis of the package and the central axis of said first fiber guide," as recited in claims 1 and 9.

Therefore, it is respectfully submitted that Ligon does not disclose, suggest or make obvious the claimed invention and that claims 1 and 9, and claims dependent thereon, patentably distinguish thereover.

¹⁰ See Office Action, page 5, lines 6-7.

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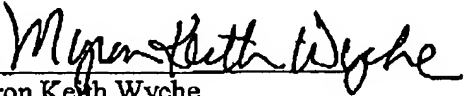
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LP 4800 US CON**Conclusion**

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 10253-00125 US from which the undersigned is authorized to draw.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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388878_1

Respectfully submitted,

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